

108TH CONGRESS
2D SESSION

S. 2731

To amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. LAUTENBERG (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. LEVIN, Mr. CORZINE, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. KOHL, Mr. DURBIN, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Captive Exotic Animal
5 Protection Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The ethic of hunting involves the consider-
2 ation of fair chase, which allows the animal the op-
3 portunity to avoid the hunter.

4 (2) At more than 1,000 commercial canned
5 hunt operations across the country, trophy hunters
6 pay a fee to shoot captive exotic animals, from Afri-
7 can lions to giraffes and blackbuck antelope, in
8 fenced-in enclosures.

9 (3) Clustered in a captive setting at unusually
10 high densities, confined exotic animals attract dis-
11 ease more readily than more widely dispersed native
12 species who roam freely.

13 (4) The transportation of captive exotic animals
14 to commercial canned hunt operations can facilitate
15 the spread of disease across great distances.

16 (5) The regulation of the transport and treat-
17 ment of exotic animals on shooting preserves falls
18 outside the traditional domains of State agriculture
19 departments and State fish and game agencies.

20 (6) This Act is limited in its purpose and will
21 not limit the licensed hunting of any native mam-
22 mals or any native or exotic birds.

23 (7) This Act does not aim to criticize those
24 hunters who pursue animals that are not enclosed
25 within a fence.

1 (8) This Act does not attempt to prohibit
 2 slaughterhouse activities, nor does it aim to prohibit
 3 the routine euthanasia of domesticated farm ani-
 4 mals.

5 **SEC. 3. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS**
 6 **FOR PURPOSES OF KILLING OR INJURING**
 7 **THEM.**

8 (a) IN GENERAL.—Chapter 3 of title 18, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

11 **“§ 49. Exotic animals**

12 “(a) PROHIBITION.—Whoever, in or substantially af-
 13 fecting interstate or foreign commerce, knowingly trans-
 14 fers, transports, or possesses a confined exotic animal, for
 15 the purposes of allowing the killing or injuring of that ani-
 16 mal for entertainment or for the collection of a trophy,
 17 shall be fined under this title, imprisoned not more than
 18 1 year, or both.

19 “(b) DEFINITIONS.—In this section—

20 “(1) the term ‘confined exotic animal’ means a
 21 mammal of a species not historically indigenous to
 22 the United States, that has been held in captivity,
 23 whether or not the defendant knows the length of
 24 the captivity, for the shorter of—

25 “(A) the majority of the animal’s life; or

1 “(B) a period of 1 year; and

2 “(2) the term ‘captivity’ does not include any
3 period during which an animal lives as it would in
4 the wild—

5 “(A) surviving primarily by foraging for
6 naturally occurring food;

7 “(B) roaming at will over an open area of
8 not less than 1,000 acres; and

9 “(C) having the opportunity to avoid hunt-
10 ers.

11 “(c) ENFORCEMENT.—

12 “(1) IN GENERAL.—Any person authorized by
13 the Secretary of the Interior, acting through the Di-
14 rector of the United States Fish and Wildlife Serv-
15 ice, may—

16 “(A) without a warrant, arrest any person
17 that violates this section (including regulations
18 promulgated under this section) in the presence
19 or view of the arresting person;

20 “(B) execute any warrant or other process
21 issued by an officer or court of competent juris-
22 diction to enforce this section; and

23 “(C) with a search warrant, search for and
24 seize any animal taken or possessed in violation
25 of this section.

1 “(2) FORFEITURE.—Any animal seized with or
2 without a search warrant shall be held by the Sec-
3 retary or by a United States marshal, and upon con-
4 viction, shall be forfeited to the United States and
5 disposed of by the Secretary of the Interior in ac-
6 cordance with law.

7 “(3) ASSISTANCE.—The Director of the United
8 States Fish and Wildlife Service may use by agree-
9 ment, with or without reimbursement, the personnel
10 and services of any other Federal or State agency
11 for the purpose of enforcing this section.”.

12 (b) TECHNICAL AMENDMENT.—The analysis for
13 chapter 3 of title 18, United States Code, is amended by
14 adding at the end the following:

“Sec. 49. Exotic animals”.

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